

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

In re: )  
 )  
EAGLE PROPERTIES AND ) Bankruptcy Case  
INVESTMENTS, LLC, ) No. 23-10566-KHK  
 ) Chapter 7  
Debtor. )  
\_\_\_\_\_ )

**ORDER APPROVING SALE OF 1001 MANNING DRIVE, FREDERICKSBURG, VA  
FREE AND CLEAR OF LIENS, CLAIMS AND INTERESTS  
PURSUANT TO 11 U.S.C. § 363(f)**

UPON CONSIDERATION of the motion (Docket No. 527) (“Motion”) of H. Jason Gold, chapter 7 trustee (“Trustee”), to approve the sale of the property commonly known 1001 Manning Drive, Fredericksburg VA (“Property”); and it appearing that proper and adequate notice of the Motion has been given and that no further notice is necessary; and it appearing that the sale of the Property as set forth in the Motion is in the best interest of the estate and its creditors, and it further appearing that based upon the endorsements of counsel set forth below that Fulton Bank, N.A. and Bala Jain; LLC have consented to the sale of the Property as set forth herein, free and clear of all liens claims and interests, accordingly:

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED.
2. The Trustee is authorized to sell the Property<sup>1</sup> to Franklin Bonilla Cruz (the

<sup>1</sup> Having the following legal description:

All that certain lot, piece or parcel of land situate, lying and being in the Leeland District of Stafford County, Virginia,

“Purchaser”) for \$265,000.00 consistent with the sales contract attached to the Motion as Exhibit A, free and clear of all liens claims and interests.

3. The Trustee is authorized to pay the secured claim of Fulton Bank, N.A. in full at closing, including the payment of attorney’s fees in the amount of \$10,000 as set forth in the draft ALTA attached hereto as Exhibit A (“ALTA”).

4. Fulton Bank, N.A.’s consent to this sale is conditioned on receipt of full payment of principal, interest, late charges, force placed insurance charges, lien search fees and legal fees of \$10,000.00 and the additional escrow provided in Paragraph 10 hereof.

5. At closing, the Trustee shall receive, for the benefit of the estate the sum of \$7,950.00 representing his commission under Section 326 of the Bankruptcy Code plus \$13,250.00 as additional consideration for the bankruptcy estate free and clear of all liens, claims and interests.

6. The Trustee is authorized to pay a three percent (3%) commission to his broker Century 21 New Millennium at closing for services rendered in representing the Trustee in connection with the sale.

7. The Trustee is authorized to pay a two-and-a-half percent (2.5%) commission to Berkshire Hathaway Home Services PenFed Realty at closing for services rendered in representing the Purchaser in connection with the sale.

8. The Trustee is authorized to pay all outstanding real estate taxes and other customary closing costs consistent with the ALTA.

9. The Trustee is authorized to reimburse Auction Markets, LLC at closing in an amount

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containing 31,928 square feet of land, as shown on plat of Gary S. Cooke, L.S., dated October 31, 1988, which plat is attached to and made a part of that certain Deed dated November 2, 1988, of record in Deed Book 646, Page 554, in the Clerk’s Office of the Circuit Court of Stafford County, Virginia.

The improvements thereon being known as 1001 Manning Drive, Fredericksburg, VA 22405.

not to exceed \$1,000.00 for any utility and property preservation expenses as needed.

10. An additional \$15,000.00 shall be held in escrow by the Trustee in a segregated account pending further agreement among Bala Jain, Fulton Bank, N.A. and the Trustee or further order of the Court to be paid either to Fulton Bank in satisfaction of its claim for attorney's fees or to Bala Jain LLC in further satisfaction of its deed of trust on the Property. If the parties are in agreement with respect to the disposition of these funds, no further order shall be required.

11. All remaining net proceeds of sale shall be paid to Bala Jain LLC.

12. The Trustee is authorized to request and receive all information concerning the liens and debt held by any secured creditor necessary to close on the sale including but not limited to the loan payoff balance, proof of lien perfection, hazard insurance coverage, escrow account balance and other information. Secured creditors are authorized and directed to promptly provide said information to the Trustee upon request of the Trustee, subject to the right of any secured creditor to oppose the request.

13. This Order may be recorded in the land records wherein the subject Property is located.

14. This Court retains jurisdiction with respect to any disputes regarding the Property following the sale.

15. This Order shall be effective immediately and shall not be subject to the stay provided in Federal Rule of Bankruptcy Procedure 6004(h) or any other applicable stay.

Dated: Aug 1 2024

/s/ Brian F Kenney

United States Bankruptcy Judge

Entered On Docket: August 2, 2024

PREPARED BY:

NELSON MULLINS RILEY & SCARBOROUGH LLP  
101 Constitution Avenue, NW, Suite 900  
Washington, DC 20001  
Tel: (202) 689-2800  
Fax: (202) 689-2860  
Email: [dylan.trache@nelsonmullins.com](mailto:dylan.trache@nelsonmullins.com)

By: /s/ Dylan G. Trache  
Dylan G. Trache, Va. Bar No. 45939

*Counsel to the Chapter 7 Trustee*

SEEN AND AGREED:

GORDON FEINBLATT LLC  
1001 Fleet Street, Suite 700  
Baltimore, Maryland 21202  
Phone/Fax No. (410) 576-4194  
E-mail: [dmusgrave@gfrlaw.com](mailto:dmusgrave@gfrlaw.com)

BY: /s/David S. Musgrave (by DGT with authority)  
David S. Musgrave (Bar No. 35327)

*Attorneys for Fulton Bank, N.A.*

SEEN:

ROGAN MILLER ZIMMERMAN, PLLC  
50 Catocin Circle, NE, Suite 300  
Leesburg, Virginia 20176  
Phone No. (703) 777-8850  
Fax No: (703) 777-8854  
E-mail: [crogan@RMZLawFirm.com](mailto:crogan@RMZLawFirm.com)

BY: /s/Christopher L. Rogan (by DGT with authority)  
Christopher L. Rogan (Bar No. 30344)

*Attorneys for Bala Jain, LLC*

**CERTIFICATION PURSUANT TO LOCAL RULE 9022-1(C)**

I HEREBY CERTIFY that this Order has been endorsed by all necessary parties.

/s/ Dylan G. Trache

Dylan G. Trache

**LIST OF PARTIES TO RECEIVE NOTICE OF ENTRY  
PURSUANT TO LOCAL RULE 9022-1**

Dylan G. Trache  
NELSON MULLINS RILEY & SCARBOROUGH LLP  
101 Constitution Avenue, NW, Suite 900  
Washington, DC 20001

Michael Freeman  
OFFICE OF THE UNITED STATES TRUSTEE  
1725 Duke Street, Suite 650  
Alexandria, Virginia 22314

Stephen Karbelk  
Team Leader, RealMarkets  
Century 21 New Millennium  
Century 21 Commercial New Millennium  
6629 Old Dominion Drive  
McLean, VA 22101

David S. Musgrave  
GORDON FEINBLATT LLC  
1001 Fleet Street, Suite 700  
Baltimore, MD 21202

Christopher Rogan  
ROGAN MILLER ZIMMERMAN, PLLC  
50 Catocin Circle, NE, Suite 300  
Leesburg, Virginia 20176

**Exhibit A**

## Imaged Certificate of Notice Page 7 of 12

MBH Settlement Group, LC  
1956 William Street  
Fredericksburg, VA 22401  
(540) 373-1300

ALTA Combined Settlement Statement

|                   |               |                 |   |                          |            |
|-------------------|---------------|-----------------|---|--------------------------|------------|
| <b>File #:</b>    | 99-24-12650   | <b>Property</b> | 1001 Manning Drive  | <b>Settlement Date</b>   | 08/09/2024 |
| <b>Prepared:</b>  | 07/31/2024    |                 | Fredericksburg, VA 22405  | <b>Disbursement Date</b> | 08/09/2024 |
| <b>Processor:</b> | Lauran Martin | <b>Buyer</b>    | Franklin Bonilla CRUZ<br>17409 Joplin Road<br>Triangle, VA 22172                              |                          |            |
|                   |               | <b>Seller</b>   | Jason H. GOLD of H. Jason<br>Gold, Trustee  |                          |            |
|                   |               | <b>Lender</b>   | Prosperity Home Mortgage,<br>LLC<br>4440 Brookfield Corporate<br>Drive<br>Chantilly, VA 20151 |                          |            |

| Seller       |              |  | Buyer        |              |
|--------------|--------------|--|--------------|--------------|
| Debit        | Credit       |  | Debit        | Credit       |
|              |              | <b>Financial</b>   |              |              |
|              | \$265,000.00 | Sales Price of Property  | \$265,000.00 |              |
|              |              | Deposit  |              | \$1,500.00   |
|              |              | Loan Amount  |              | \$257,050.00 |
| \$7,950.00   |              | Seller Credit  |              | \$7,950.00   |
|              |              | Brokerage Flat Fee Credit  |              | \$395.00     |
| \$40,443.21  |              | 2nd DOT Payoff to Bala Jain LLC                                      |              |              |
|              |              |  |              |              |
|              |              | <b>Prorations/Adjustments</b>  |              |              |
| \$206.08     |              | County Taxes 07/01/2024 to 08/09/2024                                |              | \$206.08     |
|              |              |  |              |              |
|              |              | <b>Loan Charges</b>  |              |              |
|              |              | 0.25% of Loan Amount (Points)  | \$642.62     |              |
|              |              | Origination Fee  | \$1,499.00   |              |
|              |              | Appraisal Fee to All About Appraisals LLC (\$525.00 POC by Borrower) |              |              |
|              |              | Credit Report Fee to CoreLogic                                       | \$79.15      |              |
|              |              | Flood Certification Fee to CoreLogic                                 | \$11.50      |              |
|              |              | Tax Service Fee to CoreLogic   | \$75.00      |              |
|              |              | Technology Fee to ICE Mortgage                                       | \$87.00      |              |
|              |              | Prepaid Interest (\$50.87 per day from 08/09/2024 to 09/01/2024)     | \$1,170.01   |              |
|              |              |  |              |              |
|              |              | <b>Impounds</b>  |              |              |
|              |              | Homeowner's insurance \$142.67 per month for 3 mo.                   | \$428.01     |              |
|              |              | Property taxes \$161.17 per month for 5 mo.                          | \$805.85     |              |
|              |              | Aggregate adjustment   |              | \$322.34     |
|              |              |  |              |              |
|              |              | <b>Payoff(s)</b>   |              |              |
| \$162,850.71 |              | Payoff to Fulton Bank, N.A.  |              |              |
|              |              | Principal : \$147,566.47   |              |              |
|              |              | Interest : \$4,495.23  |              |              |
|              |              | Additional Interest : \$85.47  |              |              |
|              |              | Release : \$127.25   |              |              |
|              |              | Late Charge : \$576.29   |              |              |
|              |              | Legal Fees: \$10,000.00  |              |              |
|              |              |  |              |              |
|              |              | <b>Government Recording and Transfer Charges</b>                     |              |              |
|              |              | Recording Fees   | \$107.00     |              |

| Seller       |              |  | Buyer        |              |
|--------------|--------------|--|--------------|--------------|
| Debit        | Credit       |  | Debit        | Credit       |
|              |              | ---Deed: \$47.00   |              |              |
|              |              | ---Mortgage: \$60.00   |              |              |
|              |              | E-Recording Fee to Clerk of Court  | \$9.70       |              |
| \$132.50     |              | Grantor Tax - County (Deed) to Clerk of Court  |              |              |
| \$132.50     |              | Grantor Tax - State (Deed) to Clerk of Court   |              |              |
|              |              | Recordation Tax - County (Deed of Trust) to Clerk of Court   | \$214.25     |              |
|              |              | Recordation Tax - County (Deed) to Clerk of Court  | \$220.83     |              |
|              |              | Recordation Tax - State (Deed of Trust) to Clerk of Court  | \$642.75     |              |
|              |              | Recordation Tax - State (Deed) to Clerk of Court   | \$662.50     |              |
|              |              |  |              |              |
|              |              | <b>Commission</b>  |              |              |
| \$7,950.00   |              | Listing Agent Commission to Century 21 New Millennium  |              |              |
| \$6,625.00   |              | Selling Agent Commission to Berkshire Hathaway HomeServices PenFed Realty (formerly Select Realty)   |              |              |
|              |              |  |              |              |
|              |              | <b>Title Charges &amp; Escrow / Settlement Charges</b>   |              |              |
|              |              | Title - CPL Premium (Lender) to Chicago Title Insurance Company                                      | \$35.00      |              |
|              |              | Title - Digital Archive Fee to MBH Settlement Group, LC  | \$60.00      |              |
|              |              | Title - Exam Fee to Bryan K. Bledsoe   | \$100.00     |              |
|              |              | Title - Lender's Title Policy to Chicago Title Insurance Company                                     | \$785.30     |              |
|              |              | Title - Settlement Fee to MBH Settlement Group, LC   | \$795.00     |              |
|              |              | Title - Title Binder Fee to Prestige Title & Escrow  | \$150.00     |              |
| \$60.00      |              | Title - Digital Archive Fee to MBH Settlement Group, LC  |              |              |
|              |              | Title - Owner's Title Policy to Chicago Title Insurance Company                                      | \$714.90     |              |
|              |              |  |              |              |
|              |              | <b>Miscellaneous</b>   |              |              |
| \$7,950.00   |              | 326(a) Trustee Payment to H. Jason Gold, Trustee   |              |              |
| \$13,250.00  |              | Bankruptcy Estate Payment to H. Jason Gold, Trustee  |              |              |
|              |              | Brokerage Flat Fee (Buyer) to Berkshire Hathaway HomeServices PenFed Realty (formerly Select Realty) | \$395.00     |              |
|              |              | Deed Preparation to Grace Stuart PLC   | \$195.00     |              |
| \$15,000.00  |              | Funds Held by Trustee to H. Jason Gold, Trustee  |              |              |
| \$1,400.00   |              | Home Warranty to United Home Warranty  |              |              |
| \$750.00     |              | RealMarkets Expense Reimbursement to RealMarkets   |              |              |
| \$150.00     |              | Release Tracking Fee (per payoff) to MBH Settlement Group, LC  |              |              |
| \$150.00     |              | Settlement Services to MBH Settlement Group, LC  |              |              |
|              |              | Homeowner's Insurance Premium to State Farm  | \$1,712.00   |              |
|              |              |  |              |              |
| Seller       |              |  | Buyer        |              |
| Debit        | Credit       |  | Debit        | Credit       |
| \$265,000.00 | \$265,000.00 | Subtotals  | \$276,597.37 | \$267,423.42 |
|              |              | Due from Buyer   |              | \$9,173.95   |
| \$0.00       |              | Due to Seller  |              |              |
| \$265,000.00 | \$265,000.00 | Totals   | \$276,597.37 | \$276,597.37 |

See signature addendum



Acknowledgement

We/I have carefully reviewed the Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the Settlement Statement.

We/I authorize MBH Settlement Group, LC to cause the funds to be disbursed in accordance with this statement.

H. Jason Gold, Trustee

Franklin Bonilla CRUZ

Date

By:

Jason H. GOLD

Date

Settlement Agent

Date

In re:  
Eagle Properties and Investments LLC  
Debtor

Case No. 23-10566-KHK  
Chapter 7

## CERTIFICATE OF NOTICE

District/off: 0422-9  
Date Rcvd: Aug 02, 2024

User: Elizabeth  
Form ID: pdford11

Page 1 of 3  
Total Noticed: 3

The following symbols are used throughout this certificate:

| Symbol | Definition   |
|--------|--|
| +      | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 04, 2024:

| Recip ID | Recipient Name and Address  |
|----------|---|
| +        | David S. Musgrave, GORDON FEINBLATT LLC, 1001 Fleet Street, Suite 700, Baltimore, MD 21202-4363                   |
| RE       | Stephen Karbelk, Team Leader, RealMarkets, Century 21 New Millennium, 6629 Old Dominion Dr, McLean, VA 22101-4516 |

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

| Recip ID | Notice Type: Email Address                 | Date/Time            | Recipient Name and Address  |
|----------|--|----------------------|---|
| smg      | + Email/Text: ustpreion04.ax.ecf@usdoj.gov | Aug 03 2024 00:03:00 | UST smg Alexandria, Office of the U. S. Trustee,<br>1725 Duke Street, Suite 650, Alexandria, VA<br>22314-3489 |

TOTAL: 1

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 04, 2024 Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 2, 2024 at the address(es) listed below:

| Name               | Email Address   |
|--------------------|---|
| Andrew S Goldstein | on behalf of Creditor GITSIT Solutions LLC AGoldstein@mglspc.com, jcoffman@mglspc.com                 |
| Barry W. Spear     | on behalf of Creditor Aero Mortgage Loan Trust 2019- 1 Barry.Spear@bww-law.com bankruptcy@bww-law.com |
| Bradley J. Swallow | on behalf of Defendant Main Street Bank bswallow@fblaw.com  |

District/off: 0422-9

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Date Rcvd: Aug 02, 2024

Form ID: pdford11

Total Noticed: 3

|                        |  |
|------------------------|--|
| Christian K. Vogel     | on behalf of Interested Party Primis Bank kvogel@vogelandcromwell.com  |
| Christian K. Vogel     | on behalf of Defendant Primis Bank f/k/a Sona Bank kvogel@vogelandcromwell.com   |
| Christopher A. Jones   | on behalf of Debtor Eagle Properties and Investments LLC cajones@whitefordlaw.com<br>clano@whitefordlaw.com,dchaney@whitefordlaw.com   |
| Christopher L. Rogan   | on behalf of Defendant Shail Butani crogan@rmzlawfirm.com  |
| Christopher L. Rogan   | on behalf of Creditor Bala Jain LLC crogan@rmzlawfirm.com  |
| Christopher L. Rogan   | on behalf of Defendant Ishwer Butani crogan@rmzlawfirm.com   |
| Christopher L. Rogan   | on behalf of Defendant Bala Jain LLC crogan@rmzlawfirm.com   |
| Corey Simpson Booker   | on behalf of Creditor Atlantic Union Bank corey.booker@atlanticunionbank.com   |
| Craig M. Palik         | on behalf of Creditor Trinity Universal Insurance Company cpalik@mhlawyers.com<br>cpalik@yahoo.com;dmoorehead@mhlawyers.com;cpalik@ecf.inforuptcy.com;kmadden@mhlawyers.com;mnickerson@mhlawye<br>rs.com |
| David S. Musgrave      | on behalf of Creditor Fulton Bank N.A. dmusgrave@gfrlaw.com, vhilbun@gfrlaw.com  |
| David S. Musgrave      | on behalf of Defendant Fulton Financial Corporation dmusgrave@gfrlaw.com vhilbun@gfrlaw.com  |
| Dylan G. Trache        | on behalf of Trustee H. Jason Gold dylan.trache@nelsonmullins.com<br>linnea.hann@nelsonmullins.com;alexandria.tracy@nelsonmullins.com;mari.cooper@nelsonmullins.com                                      |
| Elizabeth Husebo       | on behalf of Defendant Daniel J. Kotz ehusebo@grsm.com   |
| Elizabeth Husebo       | on behalf of Defendant First Class Title Inc. ehusebo@grsm.com   |
| Erik W. Fox            | on behalf of Creditor Vienna Oaks Office Center Condominium efox@reesbroome.com<br>rhurley@reesbroome.com;rchambers@reesbroome.com;pgoodwine@reesbroome.com  |
| Gerard R. Vetter       | ustpreion04.ax.ecf@usdoj.gov   |
| H. Jason Gold          | goldtrustee@fiduciaryservicesgroup.com VA19@ecfbis.com;hjc@trustesolutions.net;lgrahl@fsscommerce.com  |
| Hannah White Hutman    | on behalf of Creditor Bank of Clarke County hhutman@hooverpenrod.com<br>scurtis@hooverpenrod.com;hooverpenrodplc@jubileebk.net   |
| J. P. McGuire Boyd, Jr | on behalf of Defendant Atlantic Union Bank mboyd@williamsmullen.com  |
| J. P. McGuire Boyd, Jr | on behalf of Creditor Atlantic Union Bank mboyd@williamsmullen.com   |
| J. P. McGuire Boyd, Jr | on behalf of Defendant Bank of Clarke County mboyd@williamsmullen.com  |
| Jack Frankel           | on behalf of U.S. Trustee Gerard R. Vetter jack.i.frankel@usdoj.gov<br>USTPRegion04.ax.ecf@usdoj.gov;Robert.W.Ours@usdoj.gov   |
| James R. Meizanis, Jr. | on behalf of Creditor LINKBANK jmeizanis@bklawva.com jroot@bklawva.com;mnoble@bklawva.com  |
| James R. Meizanis, Jr. | on behalf of Creditor Virginia Partners Bank jmeizanis@bklawva.com jroot@bklawva.com;mnoble@bklawva.com  |
| Jeffery T. Martin, Jr. | on behalf of Debtor Eagle Properties and Investments LLC jeff@martinlawgroupva.com<br>martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com  |

District/off: 0422-9

User: Elizabeth

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Total Noticed: 3

Jeffery T. Martin, Jr.

on behalf of Plaintiff Eagle Properties and Investments LLC jeff@martinlawgroupva.com  
martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com

Jeffery T. Martin, Jr.

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martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com

Jeremy B. Root

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John Tucker Farnum

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jfasanoecf@gmail.com;jfasano@ecf.courtdrive.com;sshin@mhlawyers.com;dmoorehead@mhlawyers.com

Lee S Raphael

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Maurice Belmont VerStandig

on behalf of Professional Maurice VerStandig mac@mbvesq.com  
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Nancy Greene

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Nancy Greene

on behalf of Plaintiff Eagle Properties and Investments LLC ndg@ndglaw.com

Nancy Greene

on behalf of Professional N D Greene PC ndg@ndglaw.com

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sharron.fay@troutmansanders.com;natalya.diamond@troutman.com

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Robert M. Marino

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Robert M. Marino

on behalf of Creditor Bala Jain LLC rmmarino@rpb-law.com rmmarino1@aol.com

Stephanie Gardner Bortnick

on behalf of Defendant Daniel Kotz sbortnick@grsm.com

Stephanie Gardner Bortnick

on behalf of Defendant Daniel J. Kotz sbortnick@grsm.com

Stephanie Gardner Bortnick

on behalf of Defendant First Class Title Inc. sbortnick@grsm.com

Stephen W. Nichols

on behalf of Creditor Orrstown Bank snichols@offitkurman.com

TOTAL: 49